

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 WAYNE A. PORRETTI,

4 Plaintiff

Case No. 2:20-cv-00249-APG-BNW

ORDER

5 v.

6 DIRECTOR OF NEVADA DEPT. OF
7 CORRECTIONS, *et al.*,

8 Defendants

9
10 **I. DISCUSSION**

11 On February 4, 2020, Plaintiff, an inmate in the custody of the Nevada Department
12 of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF
13 No. 1-1). Plaintiff neither paid the full filing fee nor filed an application to proceed *in forma*
14 *pauperis*. On February 7, 2020, this Court issued an order directing Plaintiff to file a fully
15 complete application to proceed *in forma pauperis* or pay the full filing fee within 45 days
16 from the date of that order. (ECF No. 3). Plaintiff subsequently filed a notice at ECF No.
17 4 on February 13, 2020 and a Response at ECF No. 5 on February 21, 2020.

18 On March 2, 2020, Plaintiff filed an application to proceed *in forma pauperis*. (ECF
19 No. 6). Plaintiff’s application to proceed *in forma pauperis* (ECF No. 6) is incomplete.
20 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
21 application to proceed *in forma pauperis* and attach both an inmate account statement
22 for the past six months and a properly executed financial certificate. Plaintiff has not
23 attached an inmate account statement for the past six months to his application. See
24 ECF No. 6). Plaintiff will be granted one final opportunity to cure the deficiencies of his
25 application to proceed *in forma pauperis* by filing an inmate account statement for the
26 past six months, or in the alternative, pay the full filing fee for this action. If Plaintiff fails
27 to file an inmate account statement for the past six months, the Court will dismiss the
28 case in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire
the necessary documents to file a complete application to proceed *in forma pauperis*.

1 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1) but will not file it until
2 the matter of the payment of the filing fee is resolved.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
5 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
6 as the document entitled information and instructions for filing an *in forma pauperis*
7 application.

8 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this
9 order, Plaintiff will either: (1) file an inmate account statement for the past six months, in
10 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
11 (which includes the \$350 filing fee and the \$50 administrative fee).

12 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account
13 statement for the past six months, the Court will dismiss the case, without prejudice, for
14 Plaintiff to file a new case when he is able to acquire the necessary documents to file a
15 complete application to proceed *in forma pauperis*.

16 DATED: March 9, 2020

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18 UNITED STATES MAGISTRATE JUDGE